

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA)
)
)
v.)
)
BERNARD VON NOTHAUS)
)
)

In Re: SECOND PETITION OF ARTHUR
ATKINSON

ORDER GRANTING PETITION

THIS MATTER came to the Court upon the United States' Motion to Grant the Second Petition of Arthur Atkinson (Doc. 704), which has been filed with this Court claiming ownership of property forfeited by the Court in the Amended (Third) Preliminary Order of Forfeiture (Doc. 297).

WHEREAS, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

WHEREAS, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

WHEREAS, Arthur Atkinson, has filed a Second Petition claiming ownership of 118.9 ounces of silver in Warehouse Receipts, which is in addition to his original claim of 264.89 ounces of silver in Warehouse Receipts in his original petition (Doc. 310).

WHEREAS, the United States has filed a Response in Support of the Petition of Arthur Atkinson, and has argued that Mr. Atkinson has satisfied 21 U.S.C. § 853(n)(6).

NOW, THEREFORE, good cause having been shown by the United States, and no responses being needed from the Petitioner, because her Petition is being granted herein, the Court **ORDERS:**

1. The Petition of Arthur Atkinson is **GRANTED**.
2. The Petitioner shall send the original Warehouse Receipts to the United States at the address:

United States v. Bernard Von Nothaus
Attn: Thomas R. Ascik
Office of the United States Attorney
100 Otis Street, Room 233
Asheville, North Carolina 28801

3. Distribution of property by the United States to the Petitioner shall not occur until a Final Order of Forfeiture is entered by the Court.

SO ORDERED.

Signed: January 25, 2016



Richard L. Voorhees
United States District Judge

